

12/06/01
JC682 U.S. PTO

12-10-01

Docket 16952CON1DIV5CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: AOKI, et al)
Serial Number: Pending)
Filed: Herein)
For: METHOD FOR TREATING A)
MUCUS SECRETION)
Examiner: Anish Gupta
(parent app.)
Art Unit: 1654 (parent app.)
Irvine, California

11046 U.S. PTO
10/008722
12/06/01

1000372-11604

BOX PATENT APPLICATION
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Transmitted herein for filing under 35 U.S.C. §120 and 37 C.F.R. 1.53(b) is a new utility (divisional) patent application for the invention entitled METHOD FOR TREATING A MUCUS SECRETION invented by K. Roger Aoki et al. This application is continuation in part of pending application serial number 09/487,477, filed January 19, 2000, which is a divisional of pending application serial number 08/627,118, filed April 3, 1996, which is a continuation of application serial number 08/173,996, filed December 28, 1993, now abandoned.

- (x) Transmittal Letter - 3 pgs.
- (x) Specification (27 pages) 16 Claims (3 pages); Abstract (1 page)
- () Drawings (___ sheets)
- (x) Declaration/Power of Attorney
- Assignment with Recordation Cover Sheet
- (x) Letter to Examiner
- (x) 2 Terminal Disclaimers
- (x) Return/postage paid Postcard
- (x) Express Mail No. EL385559025US

(X) The Commissioner is hereby authorized to use Deposit Account Number 01-0885 for the payment of any extension fees incurred during the prosecution of this application.

(X) The filing fee is calculated below:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee (Large entity)			\$740.00	\$740.00
Total Claims	16 minus 20 =	<input type="checkbox"/>	\$18.00	.00
Independent Claims	4 minus 3 =	1	\$84.00	84.00
If application contains any multiple dependent claims, then add			\$280.00\$.00
			TOTAL FILING FEE	\$824.00

The Commissioner is hereby authorized to charge the filing fee and excess claim fees (including multiple dependent claim fee) as stated above to Deposit Account No. 01-0885. If this amount is incorrect, or for payment of any other fees that may be incurred as a result of this communication please use said Deposit Account. A duplicate copy of this sheet is enclosed for that purpose.

A copy of an assignment bestowing all interest in this application to Allergan Sales, Inc is enclosed.

Applicants hereby claim the benefit under 35 U.S.C. §120 from pending application serial number 09/487,477, filed January 19, 2000, from pending application serial number 08/627,118, filed April 3, 1996, which was a continuation of application serial number 08/173,996, filed December 28, 1993, now abandoned, the contents of which prior filed applications are hereby incorporated by reference in their entireties into the application filed herein.

The Commissioner is hereby authorized to charge any required or necessary fee associated with the filing of this paper and any of the attached documents, and to credit any overpayment to, deposit account number 01-0885.

Date: December 6, 2001



Stephen Donovan
Registration Number 33,433

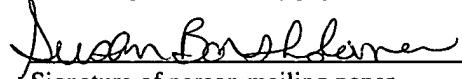
Please direct all correspondence and inquiries to:
 Stephen Donovan
 Allergan, Inc.
 2525 Dupont Drive, T2-7H
 Irvine, CA 92612
 Tel: 714 246 4026
 Fax: 714 246 4249

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this Transmittal Letter, Continuation-in-Part patent application and additional documents are being deposited with the United States Postal Service on **December 6, 2001** in an envelope as "Express Mail Post Office To Addressee" mailing label number EL385559025US with sufficient postage for Express Mail addressed to **BOX PATENT APPLICATION, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Arlington, VA 22202**.

Susan Bartholomew

Name of person mailing paper



Signature of person mailing paper

Date: December 6, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial Number: Pending)	Art Unit: 1654 (parent app.)
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For: METHOD FOR TREATING A)	
<u>MUCUS SECRETION</u>)	Irvine, California

LETTER TO EXAMINER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This application is a continuation-in-part of serial number 09/487,477, filed January 19, 2000 (the "parent application"), which is a divisional of serial number 08/627,118, filed April 3, 1996, which is a continuation of serial number 08/173,996, filed December 28, 1993, now abandoned.

The November 6, 2001 office action in the parent application serial number 09/487,477 has only double patenting rejections over serial numbers 08/627,118 and 09/490,754. There are no remaining art or Section 112 rejections of the claims in the parent application serial number 09/487,477. The broadest claim remaining in the parent application serial number 09/487,477 is:

"A method for treating a mucus secretion of a patient, the method comprising the step of administering to a patient an effective

amount of a botulinum toxin in order to reduce a mucus secretion of the patient."

The broadest claim in the present application is:

A method for treating a mucus secretion of a patient, the method comprising the step of administering to a patient an effective amount of a botulinum toxin in order to reduce a mucus secretion of the patient, wherein the mucus secretion is not a symptom of rhinorrhea.

Hence, the present claims are more narrow than the claims last pending in the parent application, serial number 09/487,477.

Enclosed are two executed terminal disclaimers over serial numbers 08/627,118 and 09/490,754.

Thus, the present claims are in condition for allowance and allowance of claims 1-16 is therefore requested.

Respectfully Submitted,

Date: December 4, 2001


Stephen Donovan
Registration Number 33,433

Please direct all correspondence to:

Stephen Donovan
Allergan, Inc.
2525 Dupont Drive
Irvine, CA 92612
Telephone: 714 246 4026

Fax: 714 246 4249

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this Letter to the Examiner, Transmittal Letter, Continuation-in-Part patent application and additional documents are being deposited with the United States Postal Service on December 6, 2001 in an envelope as "Express Mail Post Office To Addressee" mailing label number EL385559025US with sufficient postage for Express Mail addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Arlington, VA 22202.

Susan Bartholomew

Name of person mailing paper

Susan Bar Sholomov

Signature of person mailing paper

Date: December 6, 2001